

Agriculture: House Simple Resolution No. 30.

Appropriations: House Bill No. 353.

Criminal Jurisprudence: House Bills Nos. 76, 115, 116 and 120.

Education: House Bills Nos. 38, 317, 323 and 394.

Insurance: House Bills Nos. 66, 94, 213 and 214.

Labor: House Bill No. 161.

Live Stock and Stock Raising: House Bill No. 395.

Oil, Gas and Mining: House Bill No. 9.

Public Health: House Bill No. 36.

State Affairs: House Bills Nos. 359 and 360; House Concurrent Resolution No. 18.

The following committees have filed adverse reports on bills and resolution as follows:

Criminal Jurisprudence: House Bill No. 142.

Education: House Simple Resolution No. 47.

Insurance: House Bills Nos. 117 and 118.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, February 3, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 167, A bill to be entitled "An Act to provide for the licensing of certain persons connected with race tracks; providing for residential requirements; providing authority to deny and revoke licenses; providing penalties and repealing all laws in conflict herewith, and providing an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

SIXTEENTH DAY

(Friday, February 5, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker

Adkins

Alexander

Alsup

Amos

Baker

Bates

Beckworth

Bell

Blankenship

Boethel

Bond

Boyer

Bradbury

Bradford

Bridgers

Broadfoot

Brown

Burton

Callan

Carsow

Cathey

Celaya

Cleveland

Colquitt

Davis of Haskell

Davis of Jasper

Davison of Fisher

Davisson

of Eastland

Dean

Deglandon

Derden

Dickison

Dollins

England

Farmer

Felty

Fielden

Gibson

Graves

Hamilton

Hankamer

Hanna

Harbin

Hardin

Harper

Harris of Archer

Harris of Dallas

Harris of Dickens

Hartzog

Heflin

Herzik

Holland

Hoskins

Howard

Huddleston

Hull

Hyder

Jackson

James

Johnson of Ellis

Johnson

of Tarrant

Jones of Angelina

Jones of Atascosa

Jones of Falls

Jones of Wise

Kelt

Kenyon

Kern

King

Knetsch

Langdon

Lankford

Lanning

Leath

Leonard

Loggins

London

Mann

Mauritz

Mays

McConnell

McCracken

McDonald

McFarland

McKee

McKinney

Metcalf

Moffett

Monkhouse

Morris

Morse

Newton

Nicholson

Oliver

Palmer

Patterson of Mills

Patterson

of Travis

Petsch

Powell

Prescott

Quinn

Ragsdale

Reader

Reed of Bowie

Reed of Dallas

Rhodes

Riddle

Roark

Ross

Russell

Rutta

Schuenemann

Settle

Sewell

Sharpe

Shell

Simpson

Skaggs

Smith of Hopkins	Thornberry
Smith	Thornton
of Matagorda	Vale
Smith of Tarrant	Waggoner
Stevenson	Walker
Stinson	Weldon
Stocks	Westbrook
Talbert	Winfree
Tarwater	Wood
Tennant	Worley
Tennyson	

Absent

Pope

Absent—Excused

Cagle	Keith
Fox	Leyendecker
Fuchs	Little
Harrell	Lucas
Keefe	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered prayer.

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Keith for today, on motion of Mr. Waggoner.

The following Members were granted leaves of absence on account of illness:

Mr. Harrell for today, on motion of Mr. Simpson.

Mr. Cagle for today, on motion of Mr. Derden.

Mr. Keefe for today, on motion of Mr. Jones of Wise.

Mr. Leyendecker for today, on motion of Mr. Vale.

Mr. Lucas for today, on motion of Mr. McFarland.

Mr. Westbrook temporarily for today, on motion of Mr. Oliver.

Mr. Fox for today, on motion of Mr. Davison of Fisher.

Mr. Little for today, on motion of Mr. Dean.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Thornton, Mr. Kenyon and Mr. Reader:

H. B. No. 440, A bill to be entitled "An Act defining certain words and

phrases as used herein; regulating and controlling the production, preparation, manufacture, possession, transportation, sale, disposition, and use of cocoa leaves, cocaine, opium, morphine, codeine, heroin, and any compound, manufacture, salt, derivative, mixture, and preparation thereof, or of either of them; providing for licenses to persons manufacturing, compounding, mixing, cultivating, growing, or otherwise producing narcotic drugs and for wholesalers thereof; providing for an annual license fee; providing to whom manufacturer or wholesaler may sell narcotic drugs; official return and orders for such sales; when possession or control of narcotic drugs lawful; limitation on right of designated persons to administer narcotic drugs; providing for sales by pharmacists upon prescription; what prescription to state; preservation and non-refilling of prescription; sale of stock by legal owner discontinuing dealing in narcotic drugs; sales by pharmacists of solutions containing narcotic drugs; providing for prescription for, or administering, narcotic drugs by physicians or dentist; etc., and providing when this Act shall take effect."

Referred to the Committee on Public Health.

By Mr. Hartzog, Mr. Colquitt and Mr. Thornton:

H. B. No. 441, A bill to be entitled "An Act to amend Article 7064, Revised Civil Statutes of 1925, as amended by House Bill No. 8, Chapter 495, Article IV, Acts of the Third Called Session of the Forty-fourth Legislature of 1936; and to repeal Section 17, Chapter 40, Acts of the Forty-first Legislature, First Called Session, as relates to the payment of taxes; and to amend Article 4769, Revised Civil Statutes of 1925, as amended by said House Bill No. 8 above referred to; and to amend Article 7064a, as enacted by House Bill No. 8, Chapter 495, Article IV, Acts of the Third Called Session of the Forty-fourth Legislature aforesaid; and amending Article 7064 relating to insurance companies, corporations, reciprocals and other organizations or concerns transacting the business of fire, marine, marine inland, accident, credit, title livestock, fidelity, guaranty, surety, casualty or any other kind or character of insurance business other than life insurance and fraternal

nal benefit associations; . . . etc., and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Jones of Wise:

H. B. No. 442, A bill to be entitled "An Act amending Article 304, Revised Civil Statutes, 1925, creating a Board of Legal Examiners to consist of seven (7) lawyers providing for the qualifications of its members, for their term of office, method of appointment and removal, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Tennant:

H. B. No. 443, A bill to be entitled "An Act amending Article 1303, Revised Civil Statutes of Texas, 1925, providing that corporations may be created by the voluntary association of three or more persons for the transaction of any lawful business or to promote or conduct any legitimate object or purpose in the manner provided by law; repealing all laws and parts of laws in conflict, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Walker, Mr. McFarland and Mr. Tennyson:

H. B. No. 444, A bill to be entitled "An Act providing that any District Judge drawing a jury may in his discretion direct the Sheriff to serve said jurors by sending each such juror a registered letter notifying him of his jury service, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Winfree:

H. B. No. 445, A bill to be entitled "An Act to amend Article 4736 of the Revised Civil Statutes of the State of Texas providing for the assessment of a penalty against life insurance, accident insurance, life and accident, health and accident, or life, health and accident insurance companies in case of failure to pay any loss within thirty days after the demand therefor, and providing for twelve per cent damages on the amount of such loss, together with reasonable attorney fees, for the prosecution and collection of such loss, and to provide that all fire insurance companies issuing fire in-

surance policies in the State of Texas shall come within the terms of such law and to provide for twelve per cent penalty and reasonable attorney fees in case of failure to pay any loss within thirty days after proof of loss and demand for payment, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Davis of Haskell, Mr. Blankenship, Mr. Cathey, Mr. Dickson, Mr. Loggins, Mr. Hartzog, Mr. Settle, Mr. Celaya, Mr. Jones of Falls, Mr. Newton, Mr. Smith of Tarrant, Mr. Bradbury, Mr. Reed of Dallas, Mr. Worley, Mr. Leonard, Mr. England, Mr. Reader, Mr. Carssow, Mr. Jones of Angelina, Mr. Hull and Mr. Wood:

H. B. No. 446, A bill to be entitled "An Act to provide for the care and treatment of indigent or destitute sick persons placing the supervision, control, and operation under the State Health Department, authorizing it to contract or agree with privately owned hospitals and other institutions for the care and treatment of such persons making an application and authorizing appropriations for such purpose."

Referred to the Committee on Appropriations.

By Mr. Bradbury and Mr. Ross:

H. B. No. 447, A bill to be entitled "An Act to create Taylor-Callahan Counties Road District Number 7, embracing lands in the counties of Taylor and Callahan, Texas; defining its boundaries; providing that said district shall be governed and controlled by the provisions of Chapter 16, General Laws, Thirty-ninth Legislature, First Called Session, 1926, and amendments, except as herein otherwise provided; conferring upon said road district all the rights, powers, privileges and duties conferred and imposed by the General Laws of Texas upon road districts; providing that any territory, included within the bounds of said district, as created by this Act, shall remain chargeable with any and all outstanding bonded indebtedness heretofore voted by such territory, under authority of Section 52, Article III, Constitution; providing that nothing in this Act shall be construed as affecting the organization and establishment of Road District Number 1, of Taylor County, Texas, the indebtedness now outstanding against said road district Number 1, and/or the levy of

taxes in payment thereof; . . . etc., and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Boyer:

H. B. No. 448, A bill to be entitled "An Act amending Article 3891, Revised Civil Statutes, State of Texas, 1925, as amended by the Acts of 1923, page 398; Acts of 1930, Forty-first Legislature, Fourth Called Session, page 30, Chapter 20; Acts of 1931, Forty-second Legislature, page 870, Chapter 368; Acts of 1933, Forty-third Legislature, page 734, Chapter 220, Section 2; Acts of 1935, Forty-fourth Legislature, page 752, Chapter 327, Section 1, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Kern:

H. B. No. 449, A bill to be entitled "An Act to amend Subsection 62, Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, revision; and to re-arrange, and re-create the 62nd Judicial District of Texas; to re-arrange, change and prescribe the terms of holding District Court in the 62nd Judicial District; to add Franklin County to the 62nd Judicial District of Texas; and providing that the 8th and 62nd Judicial District Courts in Hunt County and Delta County, shall have concurrent jurisdiction with each other in said counties respectively throughout the respective limits thereof, of all matters, civil and criminal, of which jurisdiction is given to the District Court by the Constitution and laws of the State; and providing that the 6th and 62nd Judicial District Courts in Lamar County shall have concurrent jurisdiction with each other in said county throughout the limits thereof, of all matters, civil and criminal, of which jurisdiction is given to the District Court by the Constitution and laws of the State; and providing that the 76th and 62nd Judicial District Courts in Franklin County shall have concurrent jurisdiction with each other in said county throughout the limits thereof, of all matters, civil and criminal, of which jurisdiction is given to the District Court by the Constitution and laws of the State; . . . etc., and declaring an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Kern:

H. B. No. 450, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special in conflict herewith, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Kern and Mr. Smith of Hopkins:

H. B. No. 451, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendent of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special in conflict herewith, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Mauritz:

H. B. No. 452, A bill to be entitled "An Act to amend Articles 6111, 6113, 6116 and 6122, Revised Civil Statutes of 1925, so as to provide that a special partner may contribute property as capital to the common stock of partnership limited, and that such special partner shall be liable for the debts of said partnership to the value he places on said property contributed, and also providing that the partnership limited may use in its firm name the word, 'company,' or any other general term, or the name of a special partner, provided such name is followed by the word, 'limited,' and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Schuenemann:

H. B. No. 453, A bill to be entitled "An Act providing relief for the Pandora Rural High Common School District No. 18 of Wilson County, Texas, in replacing buildings and equipment destroyed by a disastrous electrical storm occurring in the spring of 1936; making an appropriation for said District to replace said buildings and

equipment, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Monkhouse, Mr. Jones of Atascosa and Mr. Pope:

H. B. No. 454, A bill to be entitled "An Act making an appropriation from the Treasury of the State of Texas from funds, not otherwise appropriated, to the Nueces River Conservation and Reclamation District; providing for the method of drawing warrants; providing for the repayment thereof, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Sharpe, Mr. Riddle, Mr. Kenyon and Mr. Russell:

H. B. No. 455, A bill to be entitled "An Act to amend Section 5 of Chapter 88 of the Acts of the Second Called Session of the Forty-first Legislature, relating to the licensing of passenger motor vehicles, motorcycles and side cars; providing a license fee therefor fixing the effective date of this Act, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

HOUSE JOINT RESOLUTION ON FIRST READING

The following House Joint Resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Riddle, Mr. McKinney, Mr. Bell, Mr. Cleveland, Mr. Petsch, Mr. Rutta and Mr. Jones of Atascosa:

H. J. R. No. 34, Proposing an amendment to the Constitution of the State of Texas by the adoption of a new section to be known as Section 67, which shall prohibit the levy, assessment and collection of State ad valorem taxes on real estate in Texas except for the purpose of paying Confederate Pensions as now authorized by the Constitution of Texas; providing for the necessary proclamation and making an appropriation to defray the expenses of the proclamation, publication and election.

Referred to the Committee on Constitutional Amendments.

ADDITIONAL SIGNERS OF BILLS

By unanimous consent of the House, the following Members were authorized to sign bills as co-authors of same, as follows:

Mr. Monkhouse and Mr. Vale, House Bill No. 91.

Mr. Settle and Mr. Cleveland, House Bill No. 323.

Mr. Loggins, House Bill No. 328.

RECALLING HOUSE CONCURRENT RESOLUTION NO. 13 FROM GOVERNOR'S OFFICE

Mr. Broadfoot offered the following resolution:

H. C. R. No. 25, Recalling House Concurrent Resolution No. 13 from Governor's office.

Be It Resolved by the House of Representatives of the Forty-fifth Legislature, the Senate concurring, That the Governor be requested to return House Concurrent Resolution No. 13 to the House for correction, and that the Speaker of the House and the President of the Senate are hereby authorized to erase their names therefrom, and that the Enrolling Clerk of the House be, and is hereby, authorized to correct said resolution in conformity with the amendment placed thereon in the Senate.

The resolution was read second time, and was adopted.

RELATIVE TO REMARKS OF CERTAIN STATE OFFICIAL

Mr. Rhodes offered the following resolution:

Whereas, Orville S. Carpenter, Administrator of Old Age Assistance in Texas, in open meeting before the State Affairs Committee made a statement that he thought that all the good old citizens who have been the backbone of our State for the last seventy-five years, in order to receive that which they rightfully entitled to should be required to sign over to the State all the property which they have accumulated through years of toil and thrift and also to waive their rights as citizens thereby depriving them of their privilege of voting; and

Whereas, These good citizens are entitled to old age assistance by constitutional amendment overwhelmingly voted by the citizens of Texas; and

Whereas, Orville S. Carpenter and his entire force of administration of said pension are receiving their livelihood from said old age pension and have never shown any inclination whatever to sign their property over to the State and renounce their rights of citizenship; be it, therefore

Resolved by this House of Representatives, That they consider the remarks made by Orville S. Carpenter a disgrace to the State of Texas and a direct insult to their citizenship; and, therefore, let it be further

Resolved, That the Board of Control ask Mr. Carpenter for his resignation, the House of Representatives concurring that any man who would wish to deprive the citizens who have been the back-bone of our State for the last decade of their citizenship is a man unfitted for the great position which he now holds.

The resolution was read second time.

Mr. Hardin moved that the resolution be laid on the table, subject to call.

Question recurring on the motion to lay the resolution on the table subject to call, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—112

Adkins	Dollins
Alexander	England
Alsup	Felty
Amos	Gibson
Baker	Graves
Bates	Hamilton
Bell	Hankamer
Blankenship	Hanna
Boethel	Hardin
Bond	Harris of Archer
Boyer	Harris of Dallas
Bradbury	Harris of Dickens
Bradford	Hartzog
Bridgers	Heflin
Brown	Herzik
Burton	Holland
Callan	Hoskins
Carssow	Howard
Celaya	Hull
Cleveland	Hyder
Colquitt	James
Davis of Haskell	Johnson of Ellis
Davis of Jasper	Johnson
Davison	of Tarrant
of Eastland	Jones of Angelina
Dean	Jones of Atascosa
Derden	Jones of Falls
Dickison	Jones of Wise

Kelt	Ragsdale
Kenyon	Reader
Kern	Reed of Bowie
King	Rhodes
Langdon	Riddle
Lanning	Roark
Leonard	Ross
Loggins	Russell
London	Rutta
Mann	Schuenemann
Mays	Settle
McConnell	Sharpe
McCracken	Shell
McDonald	Smith of Hopkins
McFarland	Smith
McKinney	of Matagorda
Metcalf	Stinson
Monkhouse	Stocks
Morris	Talbert
Morse	Tarwater
Newton	Tennant
Nicholson	Tennyson
Oliver	Thornberry
Palmer	Thornton
Patterson of Mills	Vale
Patterson	Waggoner
of Travis	Walker
Petsch	Winfree
Prescott	Wood
Quinn	Worley

Nays—11

Beckworth	Lankford
Cathey	Powell
Deglandon	Reed of Dallas
Farmer	Simpson
Fielden	Weldon
Huddleston	

Present—Not Voting

Harbin

Absent

Broadfoot	McKee
Davison of Fisher	Moffett
Harper	Pope
Jackson	Sewell
Knetsch	Skaggs
Leath	Smith of Tarrant
Mauritz	Stevenson

Absent—Excused

Cagle	Keith
Fox	Leyendecker
Fuchs	Little
Harrell	Lucas
Keefe	Westbrook

RELATIVE TO CERTAIN STATEMENT IN REGARD TO OLD AGE ASSISTANCE

Mr. Johnson of Ellis offered the following resolution:

Whereas, The people of Texas, by Constitutional Amendment, adopted in 1935, laid upon the Legislature of Texas a solemn mandate to provide assistance for the aged men and women of this State; and

Whereas, That sacred embodiment of fundamental rights emanating from the sovereignty inherently possessed and specifically delegated by the forebears of this noble State to themselves and their posterity as a bulwark against oppression, is unparalleled beyond the commonwealths of this Union; and

Whereas, The Pension or Assistance Amendment being the latest addition to this beloved document, the Constitution of the State of Texas, relative to the welfare of its massed citizenship; and

Whereas, It infers a badge of honor to the weak, weary and oppressed, elderly citizen who has—by logical deduction, historical divulgence and sober reflection, the facts are illuminating—contributed to the development of Texas, from a barren wilderness to its pre-eminently enviable position as the greatest State in this nation; and

Whereas, Were it not for the possessed, sterling qualities of our elderly Texas citizenship, with its hardiness, eagerness and sacrificial spirit, Texas today could not boast of its fine schools, churches and industries—a composite cardinal factor to the development and continued orderly society of which this State justly and proudly boasts; and

Whereas, The wisdom of counsel of such elders should be sought by the younger generation and cherished as a bulwark to combat the future forces of adversity as opposed to the acceptance of such counsel as of no merit or foundation; and

Whereas, Since that time when the mind of man runneth not to the contrary, it has been accepted and never denied, that age is a symbol of wisdom, piety and understanding; and

Whereas, The aged were accepted and respected in the affairs of government in the Pastoral Era, the Biblical Era, Christian Era, and Renaissance Eras and down to and inclusive of the Modern Era; and

Whereas, Government is the machinery through which sovereignty—the will to declare and the power to enforce—residing in and emanating from the people—finds a means of promulgation; and

Whereas, It has never been refuted as a fact that government derives its just powers from the consent of the governed; and

Whereas, The governed may be young or old, male or female—therefore the will of a majority of the people may delegate a portion of its power or sovereignty to a Constitution and carrying this will further, the Constitution may in turn delegate a portion of its powers to the government; and

Whereas, The officials of government are subservient to the mass, or citizenship, and are bound to carry out the will of the people as prescribed by the Constitution and Statutory laws, being bound by oath so to do; and

Whereas, The Constitution and laws pursuant thereto permits the elderly citizenship the privilege of suffrage and in specified instances permits these elders the privilege of receiving assistance from the government—that their weary bodies might not sooner expire; that their voices might continue to be heard in the affairs of that government; and

Whereas, These elderly citizens are not asking assistance of their government out of respect for imposing nor for fault of their own choosing, rather they ask because they are unfortunate victims of a universal financial depression, one of whose likeness has no parallel in the history of creation; and

Whereas, It behooves no person, credited with a massive intellectual attainment, especially be he an agent of government, to state unreservedly that any portion of the governed should withhold their right to participate in the selection of their servants to operate their government—unless the governed be ostracized by society through its laws as a criminal—and to be criminal is to do violence—as opposed to asking governmental assistance; and

Whereas, The Constitution of Texas concurs in the fact that every aged citizen, not a criminal, may participate in the election of governmental officers; and

Whereas, One Orville S. Carpenter, now Executive Director of the Old Age Assistance Commission, of the State of Texas, sat in the presence of the State Affairs Committee of the House of Representatives on the afternoon of February 3, 1937, and made an oral statement to the effect—"I think every

person receiving a pension should not be allowed to vote"; now,

Whereas, A public servant, acting as director of a department created by the will of the people—receiving an enviable salary, paid by the people themselves, who after pledging proper recognition and support of the Constitution and Statute laws of this State, and who by his assertion and actions—symbolic of a Hitler, Stalin, or a Mussolini—and who so flagrantly violated by these said acts the very essence of the cardinal tenets of our noble and envied form of government, ought to be the recipient of a severe reprimand at the hands of the Representatives of the people for such autocratic display which constituted an impugment of the basic rights of the elders of our fine Texas citizenship; now, therefore, be it

Resolved by the House of Representatives of the Forty-fifth Legislature of Texas, That the said Orville S. Carpenter be reprimanded for such unjust, unequitable and undemocratic statement relative to the aged, defenseless offended citizenship of Texas, who cannot ask redress for themselves of the offender; and

Resolved further, That a copy of this resolution serve as a mild reprimand and that a copy of the same be sent to the said Orville S. Carpenter.

JOHNSON of Ellis,
BECKWORTH,
TENNANT,
WOOD,
VALE.

The resolution was read second time.

Mr. Jones of Falls moved that the resolution be laid on the table subject to call.

Question recurring on the motion to lay the resolution on the table subject to call, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—74

Alexander	Colquitt
Alsup	Davison of Fisher
Baker	Davison
Bates	of Eastland
Boethel	Dean
Bond	Derden
Bradford	Dollins
Bridgers	England
Brown	Felty
Burton	Gibson
Carssow	Hankamer

Hanna	Morris
Harris of Dallas	Morse
Hartzog	Newton
Herzik	Palmer
Hoskins	Petsch
Howard	Prescott
Hull	Ragsdale
Hyder	Reader
Jackson	Roark
Johnson	Rutta
of Tarrant	Schuenemann
Jones of Angelina	Settle
Jones of Falls	Sharpe
Jones of Wise	Shell
Kelt	Skaggs
Kenyon	Smith of Hopkins
Kern	Smith
King	of Matagorda
Knetsch	Stinson
Langdon	Stocks
Lanning	Talbert
Leonard	Tarwater
Mays	Tennyson
McCracken	Thornberry
McFarland	Thornton
McKinney	Vale
Metcalfe	Walker
Monkhouse	

Nays—47

Adkins	Jones of Atascosa
Amos	Lankford
Beckworth	London
Bell	Mann
Blankenship	McDonald
Boyer	Oliver
Bradbury	Patterson of Mills
Callan	Patterson
Cathey	of Travis
Cleveland	Powell
Davis of Haskell	Quinn
Davis of Jasper	Reed of Bowie
Deglandon	Reed of Dallas
Farmer	Rhodes
Fielden	Ross
Hamilton	Russell
Harbin	Simpson
Hardin	Smith of Tarrant
Harris of Dickens	Tennant
Heflin	Waggoner
Holland	Weldon
Huddleston	Winfree
James	Wood
Johnson of Ellis	Worley

Present—Not Voting

McConnell

Absent

Broadfoot	Harris of Archer
Celaya	Leath
Dickison	Loggins
Graves	Mauritz
Harper	McKee

Moffett
Nicholson
Pope

Riddle
Sewell
Stevenson

Absent—Excused

Cagle
Fox
Fuchs
Harrell
Keefe

Keith
Leyendecker
Little
Lucas
Westbrook

PROVIDING FOR A JOINT SESSION OF HOUSE AND SENATE TO COMMEMORATE TEXAS INDEPENDENCE DAY

Mr. McConnell offered the following resolution:

H. C. R. No. 26, Providing for Joint Session of House and Senate to celebrate Texas Independence Day.

Whereas, March 2nd, A. D., 1937, will be the 101st, anniversary of the signing of the Texas Declaration of Independence, and likewise is a holiday sacred in the hearts of all liberty loving Texans; and

Whereas, During the preceding year the people of Texas and the Nation in a most befitting manner celebrated, and memorialized the first century of Texas history, progress, prosperity, and achievements of the Texas people; and

Whereas, March 2nd, will witness many programs in all parts of Texas presented not only for patriotic purposes, but for the further purpose of showing our great appreciation of the accomplishments of those early pioneers, and people who blazed their way to the west and established an Empire; now, therefore, be it further

Resolved, That a Joint Session of the Senate and the House of Representatives be convened at 10:15 a. m., March 2nd, of this year for the purpose of holding a celebration and program appropriate for Texas Independence Day; and, be it further

Resolved, That his Excellency, Honorable James V. Allred, Governor of Texas, the Judges of the Supreme Court, Court of Criminal Appeals, Courts of Commission Appeals, Court of Civil Appeals, Judges of other Courts, the officials of all State Departments and patriotic citizens, be invited to attend and participate in said program; and, be it further

Resolved, That a committee composed of two Members of the House be appointed by the Speaker and two Members of the Senate to be appointed

by the Lieutenant Governor be appointed to arrange and formulate an appropriate program suitable for the occasion.

McCONNELL,
STINSON.

The resolution was read second time, and was adopted.

RELATIVE TO RESOLUTION PERIOD

Mr. Alsop raised a point of order, on further consideration of resolutions, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

MESSAGE FROM THE SENATE

Austin, Texas, February 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 1, A bill to be entitled "An Act repealing Article 6203, Revised Civil Statutes of 1925 as amended by Chapter 45, Acts of the Forty-first Legislature, First Called Session, Chapter 9, Fourth Called Session of the Forty-first Legislature, and Chapter 11, Fifth Called Session of the Forty-first Legislature, creating a Board of Pardons and Paroles, fixing their terms of office, providing a method of appointment thereto and authorizing recess appointments, and declaring an emergency." (With engrossed rider.)

Adopted H. C. R. No. 25, Recalling H. C. R. No. 13 from the Governor's office for correction.

Adopted S. C. R. No. 22, Granting permission to Honorable R. B. Cross, Judge of the 52nd, Judicial District Court of Texas, to be absent from the State at certain intervals.

Respectfully,

BOB BARKER,
Secretary of the Senate.

CONCERNING ATTITUDE OF CERTAIN STATE OFFICIAL

The Speaker laid before the House, for consideration at this time, resolution offered by Mr. Farmer on yesterday, concerning attitude of certain

State official in regard to Old Age Assistance.

The resolution having been read second time on yesterday.

Mr. Bradbury offered the following amendment to the resolution:

Strike out all of the resolving clause in the Farmer resolution and insert in lieu thereof the following:

"Be it Resolved, That the House of Representatives of the State of Texas hereby go on record as disapproving the statement made by Mr. Orville S. Carpenter, Executive Director of the Texas Old Age Assistance Commission, that those receiving pensions should be denied the right to vote; and, be it further

"Resolved, That the Members of the House of Representatives believe that those receiving pensions should have the right to vote and any statement to the contrary is unfair, unjust and contrary to the principles of the Democratic Government, and that this resolution be considered as a criticism to Mr. Carpenter for the statement that he made, 'that those receiving the pension should not be allowed to vote' and that a copy of this resolution be sent to Mr. Carpenter and the State Board of Control."

The amendment was adopted.

Mr. Lanning moved that the resolution be laid on the table subject to call.

Question recurring on the motion to lay the resolution on the table subject to call, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—54

Alexander	Howard
Alsup	Jackson
Baker	Jones of Angelina
Bates	Jones of Falls
Bell	Jones of Wise
Boethel	Kenyon
Bradford	King
Bridgers	Knetsch
Burton	Langdon
Carssow	Lanning
Colquitt	Leath
Davisson	Leonard
of Eastland	McCracken
Felty	McDonald
Gibson	McFarland
Hanna	McKee
Harper	McKinney
Harris of Dallas	Metcalfe
Hartzog	Morris
Heflin	Palmer
Hoskins	Petsch

Prescott
Ragsdale
Roark
Shell
Skaggs
Smith of Hopkins
Smith
of Matagorda

Stinson
Tarwater
Tennyson
Thornberry
Thornton
Walker

Nays—74

Adkins	Kern
Amos	Lankford
Beckworth	Loggins
Blankenship	London
Bond	Mann
Boyer	Mays
Bradbury	Moffett
Callan	Monkhouse
Cathey	Morse
Celaya	Newton
Cleveland	Oliver
Davis of Haskell	Patterson of Mills
Davis of Jasper	Patterson
Dean	of Travis
Deglandon	Powell
Derden	Reader
Dollins	Reed of Bowie
England	Reed of Dallas
Farmer	Rhodes
Fielden	Riddle
Graves	Ross
Hamilton	Russell
Hankamer	Rutta
Harbin	Settle
Hardin	Sewell
Harris of Archer	Sharpe
Harris of Dickens	Simpson
Herzik	Smith of Tarrant
Holland	Stevenson
Huddleston	Stocks
Hull	Talbert
Hyder	Tennant
James	Vale
Johnson of Ellis	Waggoner
Johnson	Weldon
of Tarrant	Winfree
Jones of Atascosa	Wood
Kelt	Worley

Absent

Broadfoot	McConnell
Brown	Nicholson
Davison of Fisher	Pope
Dickison	Quinn
Mauritz	Schuenemann

Absent—Excused

Cagle	Keith
Fox	Leyendecker
Fuchs	Little
Harrell	Lucas
Keefe	Westbrook

Mr. Jones of Wise offered the following substitute for the resolution by Mr. Farmer:

Whereas, Much discussion has arisen over the right of our aged people to exercise their constitutional privilege of voting; now, therefore, be it

Resolved, That the House of Representatives hereby declares itself opposed to any movement to deprive our aged people of the Democratic right of suffrage.

Mr. Harris of Dickens moved the previous question on the substitute resolution by Mr. Jones of Wise and the resolution by Mr. Farmer, and the main question was ordered.

Mr. Johnson of Ellis raised a point of order, on further consideration of the substitute resolution, on the ground that the resolution is vague and indefinite.

The Speaker overruled the point of order.

Mr. Walker raised a point of order, on further consideration of the substitute resolution, on the ground that the resolution is not a proper substitute for the original resolution.

The Speaker overruled the point of order.

Question recurring on the substitute resolution by Mr. Jones of Wise, yeas and nays were demanded.

The substitute resolution was adopted by the following vote:

Yeas—98

Adkins	Deglandon
Alexander	Dickson
Alsup	Dollins
Amos	England
Baker	Gibson
Bates	Graves
Bell	Hamilton
Blankenship	Hanna
Boethel	Harbin
Boyer	Harris of Dallas
Bradbury	Harris of Dickens
Bradford	Heflin
Broadfoot	Hoskins
Burton	Hyder
Callan	Jackson
Carssow	James
Celaya	Jones of Angelina
Cleveland	Jones of Atascosa
Colquitt	Jones of Falls
Davis of Jasper	Jones of Wise
Davisson	Kelt
of Eastland	Kenyon
Dean	King

Knetsch	Quinn
Langdon	Ragsdale
Lanning	Reader
Leath	Reed of Dallas
Loggins	Rhodes
London	Riddle
Mann	Roark
Mauritz	Ross
McConnell	Rutta
McCracken	Schuenemann
McDonald	Shell
McFarland	Skaggs
McKee	Smith of Hopkins
McKinney	Smith of Tarrant
Metcalfe	Stinson
Moffett	Stocks
Monkhouse	Talbert
Morris	Tarwater
Morse	Tennyson
Newton	Thornberry
Oliver	Thornton
Palmer	Vale
Patterson of Mills	Waggoner
Patterson	Westbrook
of Travis	Winfree
Petsch	Wood
Prescott	Worley

Nays—22

Beckworth	Kern
Bond	Mays
Cathey	Powell
Derden	Reed of Bowie
Farmer	Sewell
Fielden	Sharpe
Hardin	Simpson
Huddleston	Stevenson
Johnson of Ellis	Tennant
Johnson	Walker
of Tarrant	Weldon
Lankford	

Absent

Bridgers	Holland
Brown	Howard
Davis of Haskell	Hull
Davison of Fisher	Leonard
Felty	Nicholson
Hankamer	Pope
Harper	Russell
Harris of Archer	Settle
Hartzog	Smith
Herzik	of Matagorda

Absent—Excused

Cagle	Keith
Fox	Leyendecker
Fuchs	Little
Harrell	Lucas
Keefe	

The resolution, as substituted, was then adopted.

Mr. Derden moved to reconsider the vote by which the resolution, as substituted, was adopted.

The motion to reconsider was lost.

REASONS FOR VOTE

Reason for voting "no" on Jones substitute resolution:

"I consider the Jones of Wise substitute merely a move very adroitly pulled off to actually apologize to Mr. Carpenter for the House trying to condemn him."

MAYS.

I voted against the Jones of Wise substitute resolution, offered as a substitute for the Farmer resolution as amended by Bradbury, for the reason that I favored the Farmer resolution with the Bradbury amendment attached. Had the Jones substitute resolution been defeated, I would have then voted "aye" on the Farmer resolution, amended by Bradbury. After the Jones substitute resolution carried, and had the vote on its final adoption been made a record vote the record would show that I voted "aye" on its final adoption.

DERDEN.

I voted against the Jones of Wise substitute for the Farmer resolution as amended by Bradbury because I liked the Farmer resolution as amended by Bradbury. The Jones substitute was not a disapproval of the statement made by Mr. Orville S. Carpenter, but simply a statement that we would oppose any move to deprive the aged people on pension rolls of their right of suffrage. Had the Jones substitute resolution been defeated, I would have then voted "aye" on the Farmer resolution amended by Bradbury. After the Jones substitute resolution carried, and had the vote on its final adoption been made a record vote the record would show that I voted "aye" on its final adoption.

WELDON.

February 8, 1937.

I voted "no" on the Jones substitute resolution, for the following reasons: "Representative Farmer introduced a resolution condemning and asking for the resignation of Orville S. Carpenter, who stated, before the State Affairs Committee, that those old people, who were the recipients of the old age assistance should be disfranchised.

The Farmer resolution was introduced Thursday, February 4th. A motion was made to refer this resolution to the Committee on Federal Relations. I voted against referring this resolution to this committee, because I knew that it would be equivalent to killing it. The point of order was raised, that the time for considering resolutions had expired. The Chair sustained the point of order. Mr. Farmer made a motion to extend the time so that his resolution could be taken up. I voted to extend the time for the consideration of Farmer's resolution, but under the Rules of the House, a motion to extend the time for the consideration of the resolution, has to receive a two-thirds vote. Therefore Mr. Farmer's motion to extend the time was lost. On Friday, February 5th, Mr. Farmer introduced his resolution again. A motion was made to lay the resolution on the table. I voted against this because I felt that was equivalent to killing the resolution.

Mr. Bradbury offered an amendment to Representative Farmer's resolution. The Bradbury amendment severely criticized Mr. Carpenter's remarks, but did not carry with it any demand for his resignation. I voted for the adoption of the Bradbury amendment.

I voted against the substitute resolution introduced by Herman Jones of Wise. I had to do this to keep from killing the Farmer resolution and the Bradbury amendment. The Bradbury amendment severely criticized, and the Farmer resolution asked for Mr. Carpenter's resignation. The Jones substitute resolution had two objectives. The first, was to kill Farmer's resolution and the second, to kill the Bradbury amendment. When it was adopted, it accomplished both of these undertakings. In the last analysis, the Jones substitute was, and is, an empty gesture. There was no record vote on any of these resolutions and amendments except the Jones substitute amendment.

In conclusion, I want to say, that I am against any man or movement which tries to disfranchise the old men and women of this State, who are the recipients of the old age assistance."

LANKFORD.

I voted "no" on the Jones substitute resolution for the following reasons:

"Representative Farmer offered a resolution to severely reprimand Mr. Carpenter and perhaps to ask for his resignation because of his, Mr. Carpenter's, statement, in regard to disfranchising old people who are sixty-five and are receiving the pension. I greatly oppose a statement like the one which Mr. Carpenter made.

The Farmer resolution was amended by Mr. Bradbury and after it was amended, it provided for a reprimand to Mr. Carpenter on the part of the House. I heartily endorsed this reprimand and immensely wished to voice my sentiment. But Mr. Herman Jones presented a substitute resolution which was designed for two purposes, namely: (1) To kill the Farmer resolution and to kill (2) the Bradbury amendment. It did both. I voted against it in order to have an opportunity to vote for the resolution for which it was a substitute. In the final analysis the Jones substitute resolution was a meaningless gesture.

I wish to say finally that I am strongly opposed to any effort to disfranchise the old people who receive old age assistance and I am strongly opposed to a man serving in that part of our State Government making such a statement."

BECKWORTH.

I voted against the Jones substitute resolution, because I was one of the co-authors of the Johnson resolution, which appears in the House Journal on February 5, 1937, and which came nearer expressing my sentiments, but which resolution was tabled. After the Jones substitute resolution carried, and had the vote on its final adoption been made a record vote, the record would have shown that I voted "aye" on its final adoption.

TENNANT.

GRANTING PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 18, by Mr. Bradbury, Granting B. C. Brook permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

RELATIVE TO LOANS TO TENANT FARMERS

The Speaker laid before the House, for consideration at this time, resolution by Mr. Hardin, Relative to loans to tenant farmers.

The resolution having heretofore been read second time and referred to the Committee on Agriculture.

The Committee on Agriculture having recommended the adoption of the resolution.

Mr. Worley offered the following committee amendment to the resolution:

Amend the resolution by adding a new resolving clause to read, as follows:

"And, be it further Resolved, That copies of this resolution be forwarded to each member of the Texas Delegation in Congress, to the President of the United States and Secretary of the United States Department of Agriculture and to the United States Reconstruction Finance Corporation."

The amendment was adopted.

Question recurring on the resolution, it was adopted.

TO PROVIDE FOR COMMITTEE TO MAKE CERTAIN INVESTIGATION IN REGARD TO THE TEXAS GULF SULPHUR COMPANY

The Speaker laid before the House, for consideration at this time, House Concurrent Resolution No. 4, by Mr. Graves, To provide for committee to make certain investigation in regard to the Texas Gulf Sulphur Company.

The resolution having heretofore been read second time, with amendment by Mr. Hankamer, pending.

Question recurring on the amendment by Mr. Hankamer, it was adopted.

Mr. Worley offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 4, by striking out the words and figures, "2,500" and substituting in lieu thereof the words and figures "\$500".

Mr. Hanna offered the following substitute for the amendment by Mr. Worley:

Amend House Concurrent Resolution No. 4, by striking out the words

and figures "\$2,500.00" wherever they appear in the resolution.

The substitute amendment was lost.

Question recurring on the amendment by Mr. Worley, it was adopted.

Mr. Hartzog offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 4, by striking out after the comma after the last "Whereas" the following language; "Everett L. Looney, attorney for Wharton County, where these facts were developed, is thoroughly familiar therewith, and his services may be available to this Legislature if desired, free gratis", and insert in lieu thereof the following:

"Two years from this date, there will be held a hotly contested race for the office of Attorney General of the State of Texas; and

"Whereas, It is the intention of the Legislature to be fair and does not desire to spend the taxpayers' money exclusively on propaganda in behalf of any particular candidate it is therefore desired that the Speaker of the House and the President of the Senate request each of the following named prospective candidates to serve free gratis as special prosecutors in said investigation:

"Hon. Walter Woodul, President of Senate,

"Hon. Franklin Spears, Senator of Bexar,

"Hon. Roy Hofheinz, County Judge of Harris,

"Hon. Fred Blundell,

"Hon. Bob Anderson,

"Hon. Gerald Mann,

"Hon. Clyde Smith,

"Hon. Everett L. Looney,

and that the press of this State be requested to give equal amount of publicity to each candidate."

Mr. Jones of Atascosa raised a point of order, on further consideration of the amendment by Mr. Hartzog, on the ground that the amendment is not germane to the resolution.

The Speaker overruled the point of order.

Mr. Howard offered the following substitute for the amendment by Mr. Hartzog:

Amend House Concurrent Resolution No. 4, by eliminating the following words in the second paragraph: "Whereas, Everett L. Looney, Attorney for Wharton County when these facts were developed, is thoroughly

familiar therewith and his services may be available to this Legislature if desired free gratis."

The substitute amendment was adopted.

The amendment, as substituted, was then adopted.

Mr. Morse offered the following substitute for the resolution by Mr. Graves:

Whereas, The presence in Austin at each Session of the Texas Legislature of a number of public relations counsel gives rise virtually every year to rumors and insinuations concerning these lobbyists and their connections, if any, with Members of the House of Representatives and Senate; and

Whereas, It has been charged that large sums of money have been spent to influence legislation in this State; and

Whereas, These charges, recurring as they do from time to time, by inference at least, accuse Members of the Legislature of being improperly influenced, always without naming Member of either House, thus casting the ugly shadow of insinuation over the entire membership of each House; and

Whereas, If these insinuations be based on fact as to any Member of this or any past House or Senate, it is the duty of the Legislature to so determine and punish the guilty, and if these accusations be untrue, it is the duty of this Legislature, in fairness to all its Members, to so determine, to the end that the cloud of suspicion may be removed and those guilty of spreading those malicious rumors be exposed; and

Whereas, These ends can be accomplished only by an impartial, full and complete investigation; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

1. That the Presiding Officer of the Senate forthwith appoint three Members of the Senate and the Speaker of the House appoint three Members of the House, one of whom shall be named as Chairman, to serve as a special committee to investigate the aforesaid rumors, charges, accusations and expenditures in order that it may be determined whether the laws of this State have been violated, and if so by whom and what corrective legislation, if any, be needed.

2. That the sessions of said committee shall be held at Austin and shall be public and said committee shall have full and complete authority to employ such employees as it may deem necessary, and it shall have further power and authority to summon witnesses, issue subpoenas, subpoenas duces tecum, and attachments, such witnesses to be paid the same fees as now paid to witnesses in the District Court, and all other writs and processes necessary to effect the purposes of this resolution, to compel the attendance of witnesses at its hearing to be held in Austin; to administer oaths to said witnesses and to punish for contempt.

3. And it shall further have the power and authority to compel any person, firm or corporation, its officers, agents, attorneys and employees, to bring books, records, documents, vouchers, memoranda and files to the hearing so held by the committee, and to submit the same at such hearings and elsewhere, if and when ordered by the committee, for examination by the employees and members of said committee.

4. For the purpose of defraying the necessary expense incident to this investigation, there is hereby appropriated out of the Contingent Expense Fund of the Forty-fifth Legislature, the sum of Two Thousand, Five Hundred (\$2,500) Dollars, or so much thereof as may be necessary.

MORSE,
JONES of Atascosa,
McKINNEY,
ALEXANDER,
LEONARD,
KNETSCH,
THORNTON,
HARTZOG,
RUTTA,
HYDER,
WOOD,
CELAYA,
HANKAMER,
HOSKINS,
McKEE,
SETTLE,
BOYER,
McCRACKEN,
McFARLAND,
DAVISSON
of Eastland,
HANNA,
CATHEY,
BRADFORD,
WORLEY,
HEFLIN,

REED of Dallas,
HARDIN,
BAKER,
JOHNSON of Tarrant,
TENNANT,
HULL,
GIBSON,
STINSON,
HARRIS of Dallas,
SCHUENEMANN,
QUINN,
DEGLANDON,
COLQUITT,
HARPER,
DEAN,
JACKSON,
SMITH of Matagorda,
CARSSOW,
READER,
MANN,
JAMES,
RUSSELL,
LOGGINS,
LEATH,
MAYS,
DAVIS of Haskell,
VALE,
POPE,
NEWTON,
HARRIS of Archer,
JOHNSON of Ellis,
DOLLINS,
SHELL,
NICHOLSON,
HOWARD,
LONDON,
RAGSDALE,
RHODES,
BOETHEL,
HAMILTON,
BRIDGERS.

Mr. Hankamer asked unanimous consent of the House, that the resolution be amended, so as to provide three Members of the Senate to be appointed by the President.

There was no objection offered, and it was so ordered.

Question recurring on the substitute resolution, it was adopted.

Mr. Wood offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 4, by adding a new resolving clause, to read as follows:

"Be it further resolved by the House of Representatives, That all meetings of this committee be held in the city of Austin, before the House of Representatives sitting as a Committee of the Whole House."

Mr. James moved the previous question on the amendment by Mr. Wood, and the resolution as substituted, and the main question was ordered.

Question recurring on the amendment by Mr. Wood, it was lost.

Question recurring on the resolution, as substituted, yeas and nays were demanded.

The resolution, as substituted, was adopted by the following vote:

Yeas—79

Alexander	Lankford
Amos	Lanning
Baker	Loggins
Bates	London
Bell	Mauritz
Boethel	McConnell
Bond	McDonald
Bradbury	Metcalf
Brown	Monkhouse
Carssow	Morris
Cleveland	Newton
Davis of Jasper	Oliver
Davison of Fisher	Palmer
Davisson	Patterson of Mills
of Eastland	Patterson
Deglandon	of Travis
Derden	Petsch
Dollins	Powell
England	Prescott
Farmer	Quinn
Fielden	Ragsdale
Graves	Reed of Bowie
Hamilton	Reed of Dallas
Harbin	Rhodes
Harris of Archer	Riddle
Harris of Dickens	Ross
Heflin	Russell
Herzik	Schuenemann
Holland	Settle
Hoskins	Simpson
Huddleston	Skaggs
Hyder	Smith of Hopkins
James	Smith
Johnson of Ellis	of Matagorda
Jones of Angelina	Stocks
Jones of Falls	Tennant
Jones of Wise	Tennyson
Kelt	Thornberry
Kern	Weldon
King	Westbrook
Langdon	Worley

Nays—54

Adkins	Broadfoot
Alsup	Burton
Beckworth	Callan
Blankenship	Cathey
Boyer	Celaya
Bradford	Colquitt
Bridgers	Dean

Felty	McFarland
Gibson	McKee
Hankamer	Moffett
Hanna	Morse
Hardin	Nicholson
Harper	Roark
Harris of Dallas	Rutta
Hartzog	Sewell
Howard	Sharpe
Hull	Shell
Jackson	Stevenson
Johnson	Stinson
of Tarrant	Talbert
Jones of Atascosa	Tarwater
Kenyon	Thornton
Knetsch	Vale
Leath	Waggoner
Leonard	Walker
Mann	Winfree
Mays	Wood
McCracken	

Absent

Davis of Haskell	Pope
Dickison	Reader
McKinney	Smith of Tarrant

Absent—Excused

Cagle	Keith
Fox	Leyendecker
Fuchs	Little
Harrell	Lucas
Keefe	

Mr. Farmer moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, February 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to concur in House amendments to Senate Bill 72 and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Woodruff, Head, Lemens, Davis and Small.

Adopted S. C. R. No. 23, Relative to investigation of discrimination of prices in unrefined crude oil in Texas.

Respectfully,

BOB BARKER,
Secretary of the Senate.

CONFERENCE COMMITTEE ON SENATE BILL NO. 72

On motion of Mr. McConnell, the House granted the request of the Senate for the appointment of a conference committee to adjust the differences between the two Houses on Senate Bill No. 72.

The Speaker announced the appointment of the following conference committee: Mr. McConnell, Mr. Walker, Mr. Hankamer, Mr. Bradbury and Mr. Lanning.

HOUSE BILL NO. 343 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 343, A bill to be entitled "An Act making an emergency appropriation to the State Prison System at Huntsville, Texas, for the erection, construction, building, and equipping of a power plant at said Huntsville Prison, Wynne State Prison Farm, and Goree State Prison Farm, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 343 ON THIRD READING

Mr. McKinney moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 343 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108

Adkins	Colquitt
Alexander	Davis of Jasper
Alsup	Davison of Fisher
Amos	Davison
Beckworth	of Eastland
Bell	Dean
Blankenship	Deglandon
Boethel	Derden
Bond	Dickison
Boyer	Dollins
Bradbury	Farmer
Bradford	Gibson
Bridgers	Graves
Broadfoot	Hamilton
Burton	Hankamer
Carssow	Hanna
Cathey	Harbin
Celaya	Hardin
Cleveland	Harris of Archer

Harris of Dallas	Patterson
Herzik	of Travis
Holland	Petsch
Hoskins	Prescott
Howard	Quinn
Huddleston	Ragsdale
Hull	Reed of Dallas
Hyder	Rhodes
Jackson	Riddle
James	Roark
Johnson of Ellis	Ross
Johnson	Russell
of Tarrant	Rutta
Jones of Angelina	Schuenemann
Jones of Wise	Settle
Kelt	Sewell
Kenyon	Sharpe
Kern	Shell
King	Simpson
Knetsch	Skaggs
Langdon	Smith
Lanning	of Matagorda
Leath	Smith of Tarrant
Loggins	Stevenson
Mann	Stinson
Mauritz	Stocks
McCracken	Talbert
McDonald	Tarwater
McKinney	Tennant
Moffett	Tennyson
Monkhouse	Thornberry
Morse	Thornton
Newton	Vale
Nicholson	Weldon
Oliver	Winfree
Palmer	Wood
Patterson of Mills	Worley

Nays—9

Callan	McConnell
Fielden	Morris
Jones of Falls	Powell
Lankford	Reed of Bowie
London	

Absent

Baker	Leonard
Bates	Mays
Brown	McFarland
Davis of Haskell	McKee
England	Metcalfe
Felty	Pope
Harper	Reader
Harris of Dickens	Smith of Hopkins
Hartzog	Waggoner
Heflin	Walker
Jones of Atascosa	

Absent—Excused

Cagle	Keith
Fox	Leyendecker
Fuchs	Little
Harrell	Lucas
Keefe	Westbrook

The Speaker then laid House Bill No. 343 before the House on its third reading final passage.

The bill was read third time, and was passed by the following vote:

Yeas—106

Adkins	Lanning
Alexander	Leath
Alsup	Loggins
Amos	Mauritz
Baker	Mays
Bates	McConnell
Beckworth	McDonald
Bell	McKee
Blankenship	McKinney
Boethel	Moffett
Bond	Monkhouse
Boyer	Morse
Bradbury	Newton
Bradford	Nicholson
Bridgers	Oliver
Brown	Palmer
Burton	Patterson of Mills
Callan	Patterson
Carssow	of Travis
Cathey	Petsch
Celaya	Prescott
Cleveland	Quinn
Colquitt	Ragsdale
Davis of Jasper	Reed of Dallas
Davisson	Rhodes
of Eastland	Riddle
Dean	Roark
Deglandon	Ross
Derden	Russell
Dickison	Rutta
Dollins	Schuenemann
Farmer	Settle
Gibson	Sewell
Graves	Sharpe
Hamilton	Simpson
Hankamer	Skaggs
Hanna	Smith
Harbin	of Matagorda
Harris of Archer	Smith of Tarrant
Harris of Dallas	Stevenson
Heflin	Stinson
Herzik	Stocks
Howard	Talbert
Hull	Tarwater
Hyder	Tennant
Jackson	Tennyson
James	Thornberry
Johnson of Ellis	Thornton
Johnson	Vale
of Tarrant	Waggoner
Jones of Angelina	Walker
Jones of Atascosa	Weldon
Kelt	Winfree
Kenyon	Wood
King	Worley

Nays—14

Fielden	Lankford
Hardin	London
Huddleston	Metcalfe
Jones of Falls	Morris
Jones of Wise	Powell
Kern	Reed of Bowie
Knetsch	Smith of Hopkins

Absent

Broadfoot	Langdon
Davis of Haskell	Leonard
Davison of Fisher	Mann
England	McCracken
Felty	McFarland
Harper	Pope
Harris of Dickens	Reader
Hartzog	Shell
Holland	Westbrook
Hoskins	

Absent—Excused

Cagle	Keith
Fox	Leyendecker
Fuchs	Little
Harrell	Lucas
Keefe	

HOUSE BILL NO. 394 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 394, A bill to be entitled "An Act amending Section 2, House Bill No. 327, Chapter 350, General Laws of the Forty-fourth Legislature, Regular Session, as amended by Senate Bill No. 58, Chapter 421, of the First Called Session of the Forty-fourth Legislature, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 394 ON THIRD READING

Mr. Davis of Jasper moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 394 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113

Adkins	Bates
Alexander	Beckworth
Alsup	Bell
Amos	Blankenship

Boethel	Leath
Boyer	Loggins
Bradbury	London
Bradford	Mann
Bridgers	Mauritz
Brown	McConnell
Burton	McDonald
Callan	McKee
Carssow	McKinney
Cathey	Metcalf
Cleveland	Moffett
Davis of Jasper	Monkhouse
Davison of Fisher	Morris
Davisson	Morse
of Eastland	Newton
Dean	Oliver
Deglandon	Palmer
Derden	Patterson
Dickison	of Travis
Dollins	Prescott
England	Quinn
Farmer	Ragsdale
Fielden	Reed of Bowie
Gibson	Reed of Dallas
Graves	Rhodes
Hamilton	Riddle
Hankamer	Roark
Hanna	Ross
Harbin	Russell
Hardin	Rutta
Harper	Schuenemann
Harris of Dallas	Sewell
Hartzog	Sharpe
Heflin	Shell
Herzik	Simpson
Holland	Skaggs
Howard	Smith of Hopkins
Huddleston	Smith
Hull	of Matagorda
Hyder	Smith of Tarrant
Jackson	Stinson
James	Stocks
Johnson of Ellis	Talbert
Johnson	Tarwater
of Tarrant	Tennant
Jones of Angelina	Tennyson
Jones of Atascosa	Thornberry
Jones of Falls	Thornton
Jones of Wise	Vale
Kelt	Waggoner
Kern	Walker
King	Weldon
Knetsch	Winfree
Langdon	Wood
Lanning	

Nays—3

Colquitt	Worley
Lankford	

Powell	Present—Not Voting
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Absent

Baker	Broadfoot
Bond	Celaya

Davis of Haskell	McFarland
Felty	Nicholson
Harris of Archer	Patterson of Mills
Harris of Dickens	Petsch
Hoskins	Pope
Kenyon	Reader
Leonard	Settle
Mays	Stevenson
McCracken	

Absent—Excused

Cagle	Keith
Fox	Leyendecker
Fuchs	Little
Harrell	Lucas
Keefe	Westbrook

The Speaker then laid House Bill No. 394 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—121

Adkins	Hardin
Alexander	Harper
Alsup	Harris of Dallas
Amos	Harris of Dickens
Baker	Hartzog
Bates	Heflin
Beckworth	Herzik
Bell	Hoskins
Blankenship	Huddleston
Boethel	Hull
Bond	Hyder
Boyer	Jackson
Bradbury	James
Bridgers	Johnson of Ellis
Broadfoot	Johnson
Brown	of Tarrant
Burton	Jones of Angelina
Callan	Jones of Atascosa
Carssow	Jones of Falls
Cathey	Jones of Wise
Celaya	Kelt
Cleveland	Kern
Davis of Jasper	King
Davison of Fisher	Knetsch
Davisson	Langdon
of Eastland	Lanning
Dean	Leath
Deglandon	Loggins
Derden	London
Dickison	Mann
Dollins	Mauritz
England	McConnell
Farmer	McDonald
Fielden	McKee
Gibson	McKinney
Graves	Metcalf
Hamilton	Moffett
Hankamer	Monkhouse
Hanna	Morris
Harbin	Morse

Newton	Simpson
Nicholson	Skaggs
Oliver	Smith of Hopkins
Palmer	Smith
Patterson	of Matagorda
of Travis	Smith of Tarrant
Powell	Stinson
Prescott	Stocks
Quinn	Talbert
Ragsdale	Tarwater
Reed of Bowie	Tennant
Reed of Dallas	Tennyson
Rhodes	Thornberry
Riddle	Thornton
Roark	Vale
Ross	Waggoner
Russell	Walker
Rutta	Weldon
Schuenemann	Westbrook
Settle	Winfree
Sewell	Wood
Sharpe	Worley
Shell	

Nays—3

Colquitt	Lankford
Howard	

Absent

Bradford	McCracken
Davis of Haskell	McFarland
Felty	Patterson of Mills
Harris of Archer	Petsch
Holland	Pope
Kenyon	Reader
Leonard	Stevenson
Mays	

Absent—Excused

Cagle	Keith
Fox	Leyendecker
Fuchs	Little
Harrell	Lucas
Keefe	

HOUSE BILL NO. 10 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 10, A bill to be entitled "An Act to fix the salaries of the judges of the various District Courts and of the Criminal District Courts of this State; repealing that portion of Section 1 of House Bill No. 417, Chapter 355, of the Acts of the Regular Session of the Forty-fourth Legislature which fixes the salaries of said judges, and declaring an emergency."

The bill was read second time.

Question—Shall House Bill No. 10 pass to engrossment?

BILL AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read, the following enrolled bill and resolution:

H. C. R. No. 25, Recalling House Concurrent Resolution No. 13 from Governor's office.

S. B. No. 93, "An Act making it lawful for the commissioners' court of Comal County to pay out of the general fund of such county bounties for the destruction of predatory animals, providing that on petition of one hundred freeholders the commissioners' court of such county may provide amount of bounty and method of proof to entitle claimant to obtain such bounty, and prescribing manner of payment, and declaring an emergency."

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 1, to the Committee on Penitentiaries.

ADJOURNMENT

On motion of Mr. Hankamer, the House, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m., next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions as follows:

Education: House Bills Nos. 87, 412, 429, 438, 450 and 451.

Highways and Motor Traffic: House Bill No. 235.

Insurance: House Bill No. 119.

Judicial Districts: House Bill No. 157.

Municipal and Private Corporations: House Bills Nos. 95 and 221.

Revenue and Taxation: House Bills Nos. 4, 105 and 149.

State Affairs: House Bills Nos. 366, 367, 370 and 404; House Concurrent Resolutions Nos. 16 and 19.

The Committee on Criminal Jurisprudence filed an adverse report with a minority favorable report, on House Bill No. 142.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, February 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 33, A bill to be entitled "An Act to prohibit the taking of fish in Kimble, Kerr, Edwards, Real, Sutton, Bandera, Mason, Menard, Blanco, Llano, Kendall or Gillespie Counties with any device equipped with more than two hooks, except artificial bait used with a rod and reel and excepting a twenty (20) foot minnow seine for the purpose of taking minnows for bait; providing size limits and bag limits for fish taken in said counties; providing a closed season from January 1st to May 1st; prohibiting the sale of any fresh water fish in said counties; providing a penalty for any violation of this Act; repealing all general or special laws, in so far as they conflict with this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, February 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 56, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, February 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 88, A bill to be entitled "An Act creating a closed season upon certain fish in Harrison and Marion Counties, Texas, and making it unlawful to in anywise take or catch such fish during such closed season, or to have such fish in possession during such closed season; describing such penalty for violation of this Act."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, February 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 89, A bill to be entitled "An Act making it unlawful to take or kill wild deer or wild turkey in the Counties of Harrison, Marion, Cass or Bowie for a period of five (5) years; describing penalty for violation of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, February 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 215, A bill to be entitled "An Act creating a special Road Law for Hardeman County, Texas, authorizing the funding and refunding of items of indebtedness, outstanding on December 14, 1936, against the road and bridge fund of said County, into time warrants, prescribing the terms and conditions in reference to said time warrants, and the duties of the officers in the issuance thereof; validating an order passed by the Commissioner's Court of Hardeman County, Texas, on December 14, 1936, and the items of indebtedness described therein and authorized to be funded and refunded into time warrants; providing that this law shall

be cumulative of general laws on the subject of roads and bridges and on the subject of funding and refunding warrants, when not in conflict with the provisions hereof; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, February 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 246, A bill to be entitled "An Act to declare a closed season on the killing of quail and dove in Haskell County for a period ending February 1st, 1940; prescribing a penalty therefor, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, February 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 268, A bill to be entitled "An Act making it unlawful to kill squirrels in Angelina and Tyler Counties, Texas, during the month of July; declaring it unlawful for any person to kill, take or have in his possession for purpose of sale any wild fox or the pelts thereof, providing that this law shall be in force for a period of two years; prescribing a penalty for the violation of the provisions of this Act; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, February 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 276, A bill to be entitled "An Act making it unlawful to kill

quail in Garza County, Texas; providing the Act shall be in force for a period of two years; repealing all laws in conflict; providing a penalty for the violation of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, February 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 21, Inviting Honorable James A. Farley, Postmaster General, to address a Joint Session of the Legislature on a date and time suitable to him.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, February 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 26, Providing for a Texas Independence Day program.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORT OF COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, February 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 25, Recalling H. C. R. No. 13 from the Governor's office.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

SEVENTEENTH DAY

(Monday, February 8, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.